



STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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**STANDING COMMITTEE ON INTERGOVERNMENTAL
AFFAIRS AND JUSTICE**

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Mr. Russ Marchuk
Regina Douglas Park

Mr. Kevin Phillips
Melfort

Mr. Warren Steinley
Regina Walsh Acres

Mr. Corey Tochor
Saskatoon Eastview

[The committee met at 15:00.]

The Chair: — Good afternoon and welcome to the Standing Committee on Intergovernmental Affairs and Justice. My name is Warren Michelson. I am the Chair of the committee. Along with me, our other committee members: Doyle Vermette the Deputy Chair; Yogi Huyghebaert; Russ Marchuk; Kevin Phillips; Warren Steinley; Corey Tochor. Today we have a substitution tonight for Mr. Vermette; Mr. John Nilson is here.

Along with this committee this afternoon, we'll be in consideration of Bill No. 129 and 130. We will start with Bill 129, the executive committee's administration Act and we welcome Minister Wyant and your officials. Mr. Wyant if you would like to make some introductions and if you have any opening remarks, please proceed.

Bill No. 129 — *The Executive Government Administration Act*

Hon. Mr. Wyant: — Thank you very much, Mr. Chair. Well with me today is Susan Amrud, associate deputy minister from the Ministry of Justice; and Mary Ellen Wellsch, senior Crown counsel, legislative services branch of the Ministry of Justice.

Mr. Chair, I am pleased to offer some opening remarks regarding Bill 129, *The Executive Government Administration Act*. Mr. Chair, this legislation is about the organization of executive government, which as members will know is the arm of government that administers the laws as passed by the first arm, the Legislative Assembly, and interpreted by the second arm, the judiciary.

Along with its companion bill, *The Executive Government Administration Consequential Amendments Act, 2013*, this bill consolidates the provisions of *The Government Organization Act* with the executive council provisions of *The Legislative Assembly and Executive Council Act, 2007*. It also incorporates the provisions of *The Tabling of Documents Act, 1991* and *The Federal-Provincial Agreements Act*.

Mr. Chair, this legislation will result in provisions respecting the organization of ministries and the assignment of ministerial responsibilities being located in one Act, eliminating any possible confusion. The following changes are being made to these Acts from the current legislation.

First, legislative secretaries will not need to be reappointed every year at the end of December. That was a requirement that added no value. As well, regulations establishing ministries will not be subject to review by the Assembly. This recognizes the separation of the legislative and the executive arms of government.

Another change is the appointment of advisory committees to ministers which will require cabinet approval in all cases. Presently this approval is required if the advisory committee's appointment is for more than one year. This will provide more accountability and oversight.

Federal-provincial agreements will not require cabinet approval unless they require expenditure by the government of more than

\$50,000. This is consistent with all other agreements under section 18 of the Act.

Mr. Speaker, the last few old Acts that established departments are being amended to make them consistent with the new Act as well as the existing government organization Act. For many years ministries have been established by regulations pursuant to that Act instead of by regulation.

As well, redundant grant-making and agreement-making powers are removed. They will appear as they appear in the new legislation. Exceptional grant-making and agreement-making powers will remain in their respective Acts.

The Financial Administration Act is being amended to amalgamate the Investment Board and the treasury board. The two boards have had the same members for many years. Also, treasury board will be permitted to have members who are not members of Executive Council, and this is consistent with other cabinet committees. The Act also makes amendments to change many instances of language that is not gender neutral to follow more modern standards.

Mr. Chair, we feel this bill contributes to efficiency in reducing the number of statutes that must be referenced when determining how government is organized. Mr. Chair, with those opening remarks, I welcome any questions respecting Bill 129, *The Executive Government Administration Act*.

The Chair: — Thank you, Minister Wyant, and welcome to the officials. I would just like to remind the officials if they are asked to answer any of the questions, if they would state their name for the purpose of *Hansard*.

We'll start with clause 1, the short title. And thank you for your introduction, Mr. Minister. If there is any questions on this bill . . . Mr. Nilson, the Chair recognizes you.

Clause 1

Mr. Nilson: — Thank you, Mr. Chair. Can you tell me how long you have been working on this bill because it appears to be a major project from quite a number of years?

Hon. Mr. Wyant: — As you may know, Mr. Nilson, there was a bill that was introduced in 2008 that didn't proceed. There has been some ongoing discussions with respect to the organization of executive government since that time, but the majority of the work on this bill has been done in the last year.

Mr. Nilson: — Thank you. So what was the specific thing that's happened in the last couple of years that triggered returning to looking at this bill?

Hon. Mr. Wyant: — I'll let Susan Amrud answer the end of that question. But I think one of the impetus of moving forward with it at this time was just simply to attend to some reorganization matters to make executive government more efficient. That was the primary reason for moving forward with the bill now and I'll ask Ms. Amrud if she has any further comments on that.

Ms. Amrud: — Susan Amrud. There were number of issues in *The Government Organization Act*. It didn't use gender-neutral language. It had some provisions that were confusing because of the way they were drafted — clause sandwiches, you know, things that made it not really easy to understand. And then there was still a handful of Acts that appeared to create departments: *The Department of Health Act*, *The Department of Justice Act*.

And there were provisions in there that duplicated *The Government Organization Act*, so it was confusing for people in those ministries to figure out, well, do we look at the department Act, do we look at *The Government Organization Act*? And so, even though over the years most of those old department Acts had been amended to remove the department of from the title and to remove the provisions that duplicated provisions in *The Government Organization Act* — like the requirement for all departments to provide an annual report, other things like that — it seemed to us that it would be helpful to remove those, to revise those last few Acts to remove that confusion.

Of course the other thing is for the last several years when departments of government were created by regulation under *The Government Organization Act*, they were given the name ministry of. And over the last few years as Acts were amended, department was changed to ministry, but this goes through and does that in a large number of Acts. And we think that we have caught most of those.

So basically a lot of it was just simplified drafting, cleaning up old language, and making it clearer for people what governs their duties. Another long-standing issue is the fact that the provisions that apply to Executive Council were in the same Act with the Legislative Assembly Act provisions. And there doesn't really seem to have been any reason other than they're in the same building. But you know, they're totally separate arms of government. And so these Acts remove those provisions from the Legislative Assembly Act and put them in with the rest of executive government.

Mr. Nilson: — Okay, so I appreciate that fulsome answer because it actually will, I think, give the public an idea of why a bill like this comes now. And so I appreciate that answer.

So then if I understand this correctly, the Legislative Assembly legislation will deal with MLAs [Member of the Legislative Assembly] and legislature and all of the independent officers of the legislature and all that. The executive government Act, this particular legislation, will then be a stand-alone piece that's separate from that. Would that be an accurate description of the intention here?

Ms. Amrud: — Yes, that's correct. Part V Executive Council is removed actually by Bill 130 from *The Legislative Assembly and Executive Council Act*. That Act is renamed by that bill as the Legislative Assembly Act. And then the Executive Council provisions are added into this Act, *The Executive Government Administration Act*, as part V.

Mr. Nilson: — Okay. So then if we wanted to look at the rules for executive government, this is where we're going to go from now on.

Ms. Amrud: — Right.

Mr. Nilson: — And I assume there'll be still some references to executive government in the legislation but not definitions and things like that. Would that be a way to describe it?

Ms. Amrud: — Well, and not the provisions in part V that establish the Office of Executive Council and set out the duties of Executive Council. It's just those five provisions establishing the Office of Executive Council as a ministry of the Government of Saskatchewan that are moved into this Act. There was also some duplication in those provisions when they were in the Legislative Assembly Act as well and they didn't need to be duplicated when they're in this Act.

Mr. Nilson: — So are there any new powers created for the executive in this legislation that weren't there before?

Ms. Amrud: — No, I don't think so. In addition to the provisions of *The Government Organization Act* being in here and the language being updated, then *The Tabling of Documents Act* is inserted in here as well, as section 13. And then *The Federal-Provincial Agreements Act* is also inserted in here as part IV. And those provisions are . . . The drafting is significantly updated because that was a very old Act. It had a lot of problems with, you know, passive versus active voice and not using gender-neutral language and very complicated drafting and, you know, words that we don't use anymore, like whereof and thereof and all those things. So those provisions are put into here as well.

Then part V is the Executive Council part. And then the provisions in part VI are also from other Acts. The provision respecting the Great Seal was moved here from *The Legislative Assembly and Executive Council Act*. The out-of-province offices was in both *The Legislative Assembly and Executive Council Act* and *The Economic and Co-operative Development Act*. And so it appears here just as one provision rather than having it duplicated in other legislation. And then the regulation-making powers here in section 32 are the same as in the existing government organization Act.

Mr. Nilson: — Okay. And the regulation-making powers are standard ones. I don't see anything that's of concern. But there is the provision that the regulations aren't to be reviewed by the legislature. So I guess maybe if you can explain why that is. I know it's quite specific, but it's a bit unusual to take some of that power away from the legislature which may be . . . But perhaps you can explain what's being done here.

Ms. Amrud: — It's just the regulations under section 9 that are not subject to review by the Assembly. The regulations that would be made under section 32 are still subject to review by the Assembly. The regulations made under section 9 are the organization of executive government and this is where, on the recommendation of the premier, the ministries are established and their objects and purposes are established.

[15:15]

You may recall in the 2008 bill, the proposal was that rather than being established by regulation, the ministries were going to be established by order in council. And if that had been

followed here, they wouldn't be subject to review by the Legislative Assembly. Orders in council are not subject to review by the Legislative Assembly.

The challenge with that is orders in council are not quite as accessible as regulations. Regulations are online on the Queen's Printer site. But with respect to orders in council, a summary of them is on the Queen's Printer website. And so these regulations are important to the public servants. They need to be able to look at them and, you know, if you're in the Ministry of the Economy, you need to know what the Ministry of the Economy regulations say about what the objects and purposes of the ministry are. And so by having them be made by regulation, they're easily accessible to all public servants.

The balance though is that they would not be subject to review by the legislature under *The Regulations Act* because this, you know, strikes at the heart of what it means to be the executive arm of government. And it seems that, you know, the organization of executive government should be established by executive government and by the prerogative of the premier and not by the legislative arm.

Mr. Nilson: — Okay. Well thanks for that explanation. So is this provision similar to what's in Alberta or British Columbia or Ontario? Or where have the ideas around this come from?

Ms. Amrud: — There's no consistency across the country. Some provinces still do it by an Act and some do it by regulation. Some do it by orders in council. It's all over the place.

Mr. Nilson: — Okay. No, I mean I appreciate the explanation. I think it's important because this is a change that's taking place and it seems reasonable, but it has aspects of it that are the kinds of things that we hear when we go and talk to legislators in the States where the governor really has control over all of the executive side and can create things, and the legislature can watch that part. But they also have some other counterbalancing powers.

And so it has aspects of that kind of a structure, so I just wanted to make sure I asked some of the questions to understand what's happening here because we don't have the same counterbalance under our parliamentary system as they have there. And so one of the ways that you counterbalance, you know, a premier who wants to create 100 ministries, this appears to not allow for any review of that. Except I suppose the public would review it.

Do you understand what I'm asking here about this? And I guess I don't expect you to really give an answer other than that this is giving a lot of power around creation of ministries. Obviously that's something that you've thought about and discussed.

Hon. Mr. Wyant: — Well one of the things that . . . I think that I'll answer that by saying, you know, given the organization of executive government, there's always been the prerogative of the premier with respect to the establishment of ministries. So from that perspective, I'm not sure that anything is changing of significance.

Mr. Nilson: — Okay. Thank you for that comment. But the

way it is worded, it gives even further strength to that perspective.

Now in the legislation itself, it sets out basically the rules for the establishment of government, the executive side of government, which is a good thing. One thing it does do here is change some of the rules around legislative secretaries and their roles. And perhaps you can explain what the change is and why that change is being made.

Hon. Mr. Wyant: — One of the changes that's being made is, under *The Government Organization Act*, the legislative secretary's appointment terminated at the end of the year. It seems that it would be more appropriate if that would terminate at the end of the time when they've completed their work as a legislative secretary. So there's really no, really no good reason why they would expire at the end of the year and just have to reappoint them till they've completed their work. So that's one of the changes that's been made in order to create some efficiencies within the system.

Mr. Nilson: — And so then another aspect relates to establishment of committees. And I know that some ministries have lots of committees and others have very few. Has there been a particular problem that's arisen around committees that have been established by ministers, such that this provision which basically says, no discretion to the minister to set up a committee unless they get it approved by cabinet?

Hon. Mr. Wyant: — Well I think one of the . . . It certainly increases the transparency with respect to the appointment of committees now that they'll have to be appointed by . . . under the legislation. And there seemed to be a little bit of confusion with respect to the operation of committees in terms of when their work was completed, whether they had to be extended or not. So this clarifies I think the establishment of those committees, and other work will be designated.

Mr. Nilson: — Okay. It doesn't say in here, I guess . . . Is it the fact that under section 6, it says, "determine the duties and functions." It doesn't say anything here about length of time they should exist. Or is that in some other regulatory power?

Hon. Mr. Wyant: — Section 6 refers to cabinet committees and again there's no changes there.

Mr. Nilson: — Okay. So where's the section about these ministerial committees and advisory committees? Would that be the title?

Hon. Mr. Wyant: — Section 15.

Mr. Nilson: — Section 15. Okay. And that one does talk about a specific period and for a specific purpose. Okay. And so then they'll all be called advisory committees of some kind. Or will it still have whatever kind of name you want to create on that? Or will they have to specifically use this terminology?

Hon. Mr. Wyant: — They'll be able to use whatever terminology they want in identifying the name of the committee.

Mr. Nilson: — Okay. One of the other questions that I have

relating to the cabinet committees, and I guess that is this section 6 one, is that there appears to be I guess in the elimination of some of the other legislation and the fact that members of the legislature will be able to sit on cabinet committees . . . And perhaps you can explain how that works because I have some concerns.

Hon. Mr. Wyant: — Well there's no change with respect to the membership on these committees that are established under section 6. So there will no change in the process.

Mr. Nilson: — Okay. And so is it possible then that members of the legislature will be members of these committees or as members of cabinet?

Hon. Mr. Wyant: — Well there are cabinet committees that currently have members of the Legislative Assembly serving on them, legislation and regulations review committee being an example. And those members are members of the legislature. They are not members of Executive Council.

Mr. Nilson: — Okay. Now the specific reason, and I don't know if you read any of my comments in *Hansard*, but the specific reason I ask some questions in this area is that there were some very challenging issues around the whole issue of protection of cabinet confidentiality as it related to when and where members of the legislature were also part of the discussion. And I was wondering whether that body of litigation and legislation had been looked at in preparing this whole area of legislation here that covers the role of a member of the legislature in a cabinet decision or a cabinet committee.

Hon. Mr. Wyant: — Sure. Well the law relating to the absolute privilege of cabinet deliberations was changed some time ago by the Supreme Court. So in that decision the Supreme Court held that there is no longer a class-based privilege for documents that go or to emanate from cabinet. So the rationale would extend to cabinet committees. Rather than an absolute privilege continuing, the public interest remains to be determined, would be determined in each case.

Mr. Nilson: — So the legislation reflects that perspective and allows the Supreme Court to define that, or does it attempt to look at the question of protection of documents?

Hon. Mr. Wyant: — There's no change to section 6.

Mr. Nilson: — Okay. And so what does that mean?

Hon. Mr. Wyant: — Well I guess what I meant by that is that there's no absolute cabinet privilege. I'll add to that, the importance of withholding production on the basis of the public interest is to maintain confidentiality in adverse effects that might accompany a disclosure. But my earlier answer in terms of section 6 is, the law with respect to that hasn't changed and section 6 hasn't changed. So I think that answers . . . I think that gets to the heart of the question.

Mr. Nilson: — And so basically there's no intention . . .

Hon. Mr. Wyant: — That's right.

Mr. Nilson: — To try to create something in response to what

the Supreme Court has done.

Hon. Mr. Wyant: — No.

Mr. Nilson: — Because presumably there is some ability to do that if you, if that was required, so . . . Would that be accurate?

Hon. Mr. Wyant: — That's accurate.

[15:30]

Mr. Nilson: — Yes. Okay. Well then, I guess all of us who work in these fields then just have to remember that ultimately decisions will be reviewed, and that's I think a good thing for democracy.

Now I don't really have any questions about all of the wording changes. And I appreciate the ability to go through and deal with all the gender issues and concerns so it's very helpful for everyone to get that cleared up.

I do have a couple of questions around the grant-making and agreement-making powers. And so they've been taken out of other places and all put here. So this is the only mechanism for doing that. Would that be an accurate description?

Hon. Mr. Wyant: — This is the general grant-making provisions. There are specific pieces of legislation which have, or other pieces of legislation which have specific grant- and agreement-making powers contained within them. This is the general rule with respect to, save for those pieces of legislation where there's specific grant-making powers.

Mr. Nilson: — So that you need to say, well this is the general rule but there may be some other exceptions somewhere else, which I think is understandable. I don't have any great deal of difficulty with it. But it was, in this area, it wasn't an attempt to try to set very simple, straightforward rules for all grants. Would that be accurate?

Hon. Mr. Wyant: — Well as I said, there'll still be grant-making and agreement-making powers in other legislation that's specific in those particular areas.

Mr. Nilson: — Now one of the advantages of the old rules around both of these areas, the grant-making and the agreement-making powers, was that they would all require the agreements to be made public and in quite an ordinary way. And it struck me as there was a little bit of maybe having less visibility on some of the agreements that were entered into if they're under \$50,000 with the federal government. Can you explain that?

Hon. Mr. Wyant: — Well I hope I can answer. I hope this answers your question. Under the legislation, agreements under \$50,000 won't require an order in council. And that will be the same rule with respect to federal-provincial agreements. So they won't require an order in council.

Mr. Nilson: — And what is the change that's been made here?

Hon. Mr. Wyant: — Right. Well currently every federal-provincial agreement requires an order in council, no

matter how much. This rule will make it consistent with the other agreements in terms of the \$50,000 figure. So they'll all be consistent now.

Mr. Nilson: — Okay. So is this an administrative provision or is there going to be some other way that all of those agreements that we see now will be identified and the information will be provided to the public? Because I know what you mean. You know, there's a number each week that are entered into of various kinds. But it is helpful to get a sense of what kinds of arrangements are being made with the federal government. And I agree many of them are under \$50,000. So will there be some other mechanism in place to make sure all of that information is public immediately when it happens?

Hon. Mr. Wyant: — Well they'd certainly become public, known through public accounts and . . . unless it was an agreement of some significance by way of press release or news release.

Mr. Nilson: — Okay. Well public accounts often is a year or longer afterwards, so it would strike me that there may be some other mechanism that could be put in place that would make sure that the public has the same access to all of this information that they do now.

Hon. Mr. Wyant: — We currently have no plans to put another mechanism in place.

Mr. Nilson: — So then these agreements, will they be posted online somewhere so people could look or would you have to go and look and see if the federal government released them? Or how would you find them?

Hon. Mr. Wyant: — Well ministries certainly could post the particulars of the agreements online if they considered that to be appropriate, so they could be made available that way. But as I mentioned before, there's no other plans in place to make them available except through the ministry or perhaps through press releases.

Mr. Nilson: — So if I could characterize this, that if you were in favour of open and accountable government, this is going the other direction?

Hon. Mr. Wyant: — No. I mean there's many agreements that the government enters into with the federal government that are, you know, agreements that come on quite a regular basis. So I wouldn't say that it's a departure from open and transparent government. I would say that it's done for more efficient purposes when it comes to the operation of executive government.

Mr. Nilson: — Okay. Well I make the comment that this is probably a place where a simple system of having a weekly list of federal-provincial documents filed so that the public can have access to them would be an important thing — not to lose the ability that we have had to see all of these agreements. And I know I usually read the ones that are of interest in my area. And probably 1 in 10 is of interest. But it's of quite a bit of interest and so I don't want to lose a tool for the public to actually get access to what the government's doing.

Hon. Mr. Wyant: — Yes. I would perhaps point out that when we were . . . This was in the House: MLA Sproule did make a comment about this. And perhaps I'll read this into the record. She said:

However, you know, and again in the balance of transparency and accountability, those are the types of things that can be reviewed then by the public when the regulations require the Lieutenant Governor in Council to pass an order approving any agreement entered into federally and provincially, so now [that] won't require approval unless it's more than \$50,000.

And then she says, "That's probably a fair mark for this type of agreement." So I read that into the record.

Mr. Nilson: — No, I appreciate that. But what I would say is that sometimes the agreements don't have much monetary value or a low monetary value, but they're actually quite significant. And I think it would be a very simple thing for the government to do to have all of those agreements, which you have traditionally released, available at a spot on a website. So I recommend that you bring that forward to I guess the cabinet secretary or whoever was going to deal with it.

Hon. Mr. Wyant: — Well I might just make one more comment on this. I mean certainly I appreciate your comment. But you know, agreements that have . . . They may not be significant in terms of a dollar amount, but as you said they could have some significant features to them. Those would certainly be agreements that I would think that ministers would want to make, you know, to have public comment or public statement on.

So I think the comments that MLA Sproule had made were quite appropriate in those circumstances in terms of the dollar value. And I don't think it's going to affect transparency or the openness of government.

Mr. Nilson: — Okay. Well I know that there's often been attempts over the years to try to move that figure up. But once again from both sides, both when you're in a ministry and you're wondering what's going on in another ministry, it's nice to be able to see these things. And it's also important when you're in opposition or in the public, and wondering what has happened with a particular issue. You want to have a place where you can go to find that out.

Hon. Mr. Wyant: — I'd just point out again for the record, the \$50,000 number has been in place now since 1996. So it's been in place for a long time.

Mr. Nilson: — No, and I think it's probably an appropriate amount and maybe it will stay there.

Okay. My next area of questions relates to this, sections in the legislation that combine the treasury board with the Investment Board. And could you explain what is happening there? I know you gave a brief explanation saying, well it's the same members on both boards, but I think it might be more appropriate to have on the record what the functions of the two boards are or have been, and how now those functions are going to be dealt with as opposed to just the membership.

Hon. Mr. Wyant: — I'll have Susan Amrud answer that question for you.

Ms. Amrud: — Okay. So the main reason that they're being amalgamated is that for many years now they've had the exact same membership so that one group of people can deal with all of the issues. And it's just a matter of efficiency that the treasury board would look after the duties of Investment Board as well. The duties of treasury board are set out in section 4 of *The Financial Administration Act*, and the duties and powers of the Investment Board are set out in section 8. And basically what section 8 says is that "The Investment Board is responsible to the Lieutenant Governor in Council for all matters relating to investments made by the Government of Saskatchewan."

So what these amendments do is change the reference to the Investment Board to the board which is defined to mean treasury board. So treasury board will be responsible for all matters relating to investments. The board will have the power to make orders governing the investments to be made by any ministry or any public agency. And so those powers, which are now in the Act said to be the powers of Investment Board, will become the powers of treasury board. There's no change in the duties or powers. It's just recognizing that it's the exact same group of people doing this work. So the legislation might as well reflect that.

And it's just, you know, one additional order in council whenever there's a change made in the membership: you know, these are the members of treasury board; these exact same people are the members of Investment Board. So it's just amalgamated.

[15:45]

Mr. Nilson: — Okay, now I appreciate having that explanation on the record. I think if you go back in the history of these types of institutions, it was often felt that the treasury board was the spenders, and the Investment Board was the savers, and they had separate people doing that job. And so this is a reflection that you can do both jobs in the same board.

But I know it's a bit of the debate we actually had in the Canadian banking system versus the US [United States] banking system, which is that you end up keeping some of the jobs separate when you're involved in a bank, whether you're the guys that invest the money or whether you're the ones that are spending and marketing your products. But I appreciate that explanation, and I think that'll be helpful to have it on the record if there's ever any issue, which I don't think there will be.

Now I think that probably ends the questions that I have, Mr. Chair. There are, you know, quite a few things that are being done here. But it looks like it is moving to make things more efficient. And subject to a few questions that I asked that maybe can be tweaked the next time the legislation's brought forward, I don't have any further comments. Thank you. Well thank you very much to staff for answering all the questions.

The Chair: — Thank you, Mr. Nilson. Thank you, Mr. Minister and the officials. Is there any other comments

regarding Bill No. 129? Seeing none, we'll proceed with the voting of Bill 129. There are 63 clauses to this bill so we will go through them clause by clause.

Clause 1, short title. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 63 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and the consent of the Legislative Assembly of Saskatchewan, enacts the following: *The Executive Government Administration Act*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That's carried. I would ask a member to move that we report Bill No. 129, *The Executive Government Administration Act* without amendment. Mr. Steinley. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That is carried. Thank you very much, gentlemen.

We will now turn to consideration of Bill No. 130, *The Executive Government Administration Consequential Amendments Act, 2013*. This is a bilingual bill. We will start with clause 1, the short title.

Bill No. 130 — *The Executive Government Administration Consequential Amendments Act, 2013/Loi de 2013 portant modifications corrélatives à la loi intitulée The Executive Government Administration Act*

Clause 1

The Chair: — Mr. Minister, if you've got any opening remarks, please proceed.

Hon. Mr. Wyant: — Thank you. Well again with me, Susan Amrud is associate deputy minister from the Ministry of Justice; and Mary Ellen Wellsch, senior Crown counsel, legislative services branch from the ministry.

I am pleased to offer opening remarks concerning Bill 130, *The Executive Government Administration Consequential Amendments Act*. Mr. Chair, this legislation is the companion to *The Executive Government Administration Act*. It amends bilingual legislation, including *The Legislative Assembly and Executive Council Act*. Amendments to that legislation remove part V and incorporate it into *The Executive Government Administration Act*. Part V as it now exists establishes the Office of the Executive Council. It is appropriately placed in the Act. It deals with the organization of executive government. This will also result in a change of the name of the Act as the words Executive Council are removed.

Mr. Chair, this bill also permits members of the Legislative Assembly to be marriage commissioners, as well as making them eligible to be members and chairpersons of the boards of Crown corporations without being members of Executive Council.

Those are my opening remarks, Mr. Chair. I'm certainly prepared to answer any questions with respect to Bill 130.

The Chair: — Thank you, Mr. Minister. In consideration of Bill 130 we will start with clause 1, short title. Mr. Nilson.

Mr. Nilson: — Thank you, Mr. Chair. I have a few questions about the legislation. I notice that there's a change around where the Great Seal is kept. Is that correct? So the Provincial Secretary no longer has that role and that somebody can be designated as the keeper of the Great Seal?

Ms. Amrud: — Susan Amrud. *The Provincial Secretary's Act* establishes who is the keeper of the Great Seal. And right now *The Provincial Secretary's Act* is assigned to the Minister of Justice. So the Minister of Justice is the keeper of the Great Seal.

Mr. Elhard in his responsibilities as the Legislative Secretary to the Premier is authorized to use the title Provincial Secretary. And so to avoid any confusion about who is the keeper of the Great Seal, the legislation is being amended to refer to the responsibility instead of the title. And that makes it consistent with other kinds of duties where we try to avoid, in legislation, specifically naming ministers by a title because titles change over time. And so by making this amendment here, it's referring to the duty, which is who is the keeper of the Great Seal, rather than the title.

So there's no change in effect here because right now, under *The Provincial Secretary's Act*, those duties are the responsibility of the Minister of Justice. They're currently assigned to the Minister of Justice under *The Government Organization Act*. But this, this makes it clear.

Mr. Nilson: — Okay. And is that why keeper doesn't have a capital K on it?

Ms. Amrud: — Yes.

Mr. Nilson: — So that's a generic keeper as opposed to a job?

Ms. Amrud: — It's the duty rather than a title.

Mr. Nilson: — Okay. Well thank you for that bit of interesting history. I'm sure we'll have some professors happy that we have this on record as to exactly what's happening here. So I appreciate that.

The next area I have a question is basically the whole issue of MLAs being marriage commissioners. That's a new role where people can apply as MLAs, because over the years you hear of MLAs actually doing that job but they have to apply each time. And this eliminates the necessity for an application. Would that be an accurate reflection of what we see here?

Hon. Mr. Wyant: — Yes. They're really being inserted into

the legislation to make it 100 per cent clear that they can be appointed as marriage commissioners because they're not specifically enumerated in the legislation the way it is. So under section 12 of *The Legislative Assembly and Executive Council Act*, that disqualifies persons from being members of the Assembly if they receive remuneration from or are employed by the government or a Crown.

So section 14 provides exemptions to the rule and it includes coroner, Justice of the Peace, notary public, official auditor, etc. And so it was our feeling that marriage commissioners are of the same nature and they should be specifically enumerated in the legislation. So that's the reason that they're being added specifically.

Mr. Nilson: — So I'm not sure I understand what you say. So that practically this is saying that MLAs are marriage commissioners or that they can't be marriage commissioners? What's the purpose here?

Hon. Mr. Wyant: — They can apply to be appointed as a marriage commissioner. So they don't become marriage commissioners simply by virtue of their role as an MLA.

Mr. Nilson: — Okay. And that's the same then as notary public, which is listed there as well.

Hon. Mr. Wyant: — That's right.

Mr. Nilson: — But they are automatically a commissioner of oaths.

Hon. Mr. Wyant: — That's right.

Mr. Nilson: — Okay. So then it's not required in the regulations to have a fee schedule for MLAs who are marriage commissioners.

Hon. Mr. Wyant: — This allows them to be appointed but not paid.

Mr. Nilson: — Okay. So it's subject to the market, would be the best way to put that then?

Hon. Mr. Wyant: — Well no. That wouldn't be exactly correct because they can't be paid as a marriage commissioner. So you can take the commission to perform the marriage but you can't be paid for it as a member of the Legislative Assembly.

Mr. Nilson: — Okay. Well I think there'll be a few disappointed people around about that part. Okay. Well thanks for that explanation.

Then the next section in here is the one around the role as chairperson, vice-chairperson, director, or member of a Crown corporation. Can you explain what change is happening here with this particular amendment?

Hon. Mr. Wyant: — Currently members of the Legislative Assembly can't be members of a Crown board unless they're also members of Executive Council. So the change that we're making is, they can be members of a Crown board without now being members of Executive Council. So while they can still be

appointed, they don't need to also be a member of Executive Council to get the appointment to the Crown board.

Mr. Nilson: — Okay. Is there a parallel rule somewhere else that makes it clear that they can't then sit on the Crown Corporations board of the legislature or of committee of the legislature?

[16:00]

Hon. Mr. Wyant: — I'm not sure we understand the question.

Mr. Nilson: — Well I mean basically there's the legislature has a bit of an oversight, more than a bit of an oversight role over Crown corporations. And I don't think normally there are very many of the Crown ministers or people who are on the boards who sit on those committees. And this raises the possibility then that somebody who actually knows a lot about Crowns would be on that committee and then basically be doing the review of their own role.

Ms. Amrud: — If there was going to be a change to the rules of the Assembly, that would have to be done in a different forum. That would be up to the Legislative Assembly to decide if they wanted to make a change to the rules about membership of their committees to reflect this.

But you know, it's not really a change, as the minister says. The existing section 14 doesn't say that an MLA cannot be on a Crown board. What it says is if they're going to be appointed as a member of a Crown board, then they also need to be appointed as a member of Executive Council under section 3 of *The Government Organization Act*. So what this does is just remove that additional requirement of being also appointed as a member of Executive Council. But if the Legislative Assembly wanted to make a change to their rule, then that wouldn't, you know, that's a different forum, you know.

Mr. Nilson: — Yes. Well I guess it does go . . . I mean it answers my question that the more you blur the roles between the executive and the legislature — this is another place where you're doing that — the more difficult it is sometimes to know exactly who is functioning in which role and at which time. And so I'd just raise red flags around something like this because I mean effectively what it is for, I would guess, is that if you have many members of your caucus, this gives a few more positions for people which are, you know . . . and good positions, I mean good things to do, but it raises questions about the role of the legislature versus the role of the executive.

Hon. Mr. Wyant: — They would all be appointed by order in council so there's transparency with respect to the board appointments.

Mr. Nilson: — But effectively you could end up with all of the government members in the legislature having either a cabinet role or a cabinet-like role. And so then you really don't have any sort of balance almost in challenging some of the things that are there. So that's why I raise this question.

Hon. Mr. Wyant: — Well that's certainly not the intention of the provision.

Mr. Nilson: — Okay. Well I appreciate you saying that. But it's the kind of thing that, you know, five or 10 years from now when we're observing things that are happening here from another place while others are using this, and they say, oh well here's something that we can use . . . So I just say this is one that we'll have to watch very carefully because it really changes the nature of how different decisions have been made in cabinet and in caucus. And if you do that without necessarily thinking through all the consequences, it can have very long-term effects on governing the province.

Hon. Mr. Wyant: — I'm not sure . . . Well certainly I'll repeat my earlier comment that it was certainly not the intention. And I don't think that this change is going to have that effect. So I want to state that for the record. But again it's certainly not the intention of this particular provision to create that opportunity.

Mr. Nilson: — Okay. Well thank you for that explanation. I have no further questions. And thank you very much again for answering questions and explaining some of the choices that have been made around developing the policy in both of these pieces of legislation. So thank you very much.

The Chair: — Thank you, Mr. Nilson. Are there any other comments or questions regarding the consideration of Bill No. 130, *The Executive Government Administration Consequential Amendments Act, 2013*?

Seeing none, we will proceed with the voting. There are 10 clauses. We'll start with clause 1, the short title. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 10 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: *The Executive Government Administration Consequential Amendments Act, 2013*. This is a bilingual bill. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That's carried. I would ask a member to move that we report Bill No. 130, *The Executive Government Administration Consequential Amendments Act, 2013*, the bilingual bill, without amendment. Mr. Phillips so moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That is carried. Thank you. Mr. Minister, that concludes our agenda for today. Do you have any closing remarks that you would like to make?

Hon. Mr. Wyant: — Thank you, Mr. Chair. Well first of all I would like to thank you and the committee for your time today; Mr. Nilson for his questions; Hansard for their time; and to my officials, Susan Amrud and Mary Ellen Wellsch for taking time

to be with me today as well. So thank you.

The Chair: — Thank you. Thank you, Minister, and thank you, the officials. Thank you to the committee members, Mr. Nilson. I would ask a member to move a motion to adjourn. Mr. Tochor so moves. Is all agreed on that?

Some Hon. Members: — Agreed.

The Chair: — That's agreed. Carried. Thank you, and have a good evening.

[The committee adjourned at 16:09.]